

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1925

Introduced by Assembly Member Salas

February 16, 2010

An act to add Chapter 2.97 (commencing with Section 1001.95) to Title 6 of Part 2 of the Penal Code, relating to veterans courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1925, as amended, Salas. Veterans courts.

Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs.

This bill would authorize superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety. The bill would provide that county participation is voluntary. The bill would declare the intent of the Legislature that, where there are statutory requirements for certain

education or counseling programs to be included in the terms of probation, the components of those counseling terms would be required to be incorporated into the treatment programs that are designed to treat the underlying psychological disorders rather than requiring them in lieu of the psychological treatments.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.97 (commencing with Section 1001.95) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.97. DIVERSION OF VETERANS

1001.95. (a) Superior courts are hereby authorized to develop and implement veterans courts. Participation by a county shall be voluntary, ~~but a county that chooses to participate shall conform its participation to this chapter.~~

(b) For purposes of this section, a veterans court shall have the following objectives:

(1) Increase cooperation between the courts, criminal justice, veterans, and substance abuse systems.

(2) Creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that contains the characteristics set out in subdivision (c) that will lead to placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from United States military service, in community treatment, as is feasible and consistent with public safety.

(3) Improve access to necessary services and support.

(4) Reduce recidivism.

(5) Reduce the involvement of veterans in the criminal justice system and time in jail by making mental health service for veterans available in the least restrictive environment possible while promoting public safety.

(c) For purposes of this section, a veterans court ~~shall~~ *may* have ~~all of~~ the following characteristics:

1 (1) Leadership by a superior court judicial officer assigned by
2 the presiding judge.

3 (2) Enhanced accountability by combining judicial supervision
4 with rehabilitation services that are rigorously monitored and
5 focused on recovery.

6 (3) A problem solving focus.

7 (4) A team approach to decisionmaking.

8 (5) Integration of social and treatment services.

9 (6) Judicial supervision of the treatment process, as appropriate.

10 (7) Community outreach efforts.

11 (8) Direct interaction between defendant and judicial officer.

12 (d) ~~In developing a veterans court, the presiding judge or his or~~
13 ~~her designee may contact the county board of supervisors, the~~
14 ~~county administrative officer, or their designee to convene, if a~~
15 ~~county chooses to participate, the county and court stakeholders~~
16 ~~and, through a collaborative process with these stakeholders, may~~
17 ~~develop a plan that is consistent with this section~~ *uses this section*
18 *as a guideline. At It is recommended that at least one stakeholder*
19 *should be a criminal justice client who is a veteran who has lived*
20 *with the experience of mental illness as described in paragraph (2)*
21 *of subdivision (b) of this section. The plan shall address at a*
22 ~~minimum all~~ *should consider incorporating as many of the*
23 *following components as feasible:*

24 (1) The method by which the veterans court ensures that the
25 target population of defendants are identified and referred to the
26 veterans court.

27 (2) The method for assessing defendants who are veterans for
28 serious mental illness and co-occurring disorders.

29 (3) Eligibility criteria specifying what factors make the
30 defendant eligible to participate in the veterans court, including
31 service in the United States military, the amenability of the
32 defendant to treatment and the facts of the case, as well as prior
33 criminal history, United States military service history, and mental
34 health and substance abuse treatment history.

35 (4) The elements of the treatment and supervision programs.

36 (5) Standards for continuing participation in, and successful
37 completion of, the veterans court program.

38 (6) ~~The need for the county mental health department and the~~
39 ~~drug and alcohol department~~ *all service providers and stakeholders*
40 *to receive initial and ongoing training from county departments*

1 *and community stakeholders with specialized knowledge about*
2 *veterans' treatment and service needs, such as the county health*
3 *department, county veterans officers, county drug and alcohol*
4 *department, and Veterans Administration partners, and the need*
5 *to provide initial and ongoing training for designated staff on the*
6 *nature of serious mental illness and on the treatment and supportive*
7 *services available in the community.*

8 (7) The process to ensure defendants will receive the appropriate
9 level of treatment services, ~~provided that~~ *with emphasis on*
10 *maximizing federally funded services from the Veterans*
11 *Administration and the Department of Veterans Affairs, as well*
12 *as the county and other local agencies shall be obligated to provide*
13 *mental health and substance abuse treatment services only to the*
14 *extent that resources are available for that purpose, as described*
15 *in paragraph (5) of subdivision (b) of Section 5600.3 of the Welfare*
16 *and Institutions Code.*

17 (8) The process for developing or modifying a treatment plan
18 for each defendant, based on a formal assessment of the defendant's
19 mental health, United States military service history, and substance
20 abuse treatment needs. Participation in the veterans court shall
21 require defendants to complete the recommended treatment plan,
22 and comply with any other terms and conditions that optimizes
23 the likelihood that the defendant completes the program.

24 (9) The process for referring cases to the veterans court.

25 (10) A defendant's voluntary entry into the veterans court, the
26 right of a defendant to withdraw from the veterans court, and the
27 process for explaining these rights to the defendant.

28 (e) In developing a veterans program, each veterans court team,
29 led by a judicial officer, may, *to the extent feasible*, include, but
30 not be limited to, a judicial officer to preside over the court,
31 prosecutor, public defender, county mental health liaison, substance
32 abuse liaison, county veterans' service officer, ~~and~~ probation
33 officer, *and a Veterans Administration social worker to assist the*
34 *court with screening veterans court candidates for eligibility and*
35 *suitability in Veterans Administration funded programs.* The
36 veterans court team will determine the frequency of ongoing
37 reviews of the progress of the offender in community treatment in
38 order to ensure the offender adheres to the treatment plan as
39 recommended, remains in treatment, and completes treatment.

1 (f) For the purposes of this section, it is the intent of the
2 Legislature that a veterans court judge use a variety of options for
3 carrying out the goal to ensure long-term public safety by
4 maximizing the opportunities for veterans with psychological war
5 wounds to get timely and appropriate treatment. It is the intent of
6 the Legislature in enacting this section to augment rather than
7 replace other sections within this code. The judicial officer has a
8 variety of tools available to reach these goals and shall exercise
9 discretion and use all tools available to ensure public safety and
10 assist defendants to successfully complete appropriate treatment
11 for the problems underlying their offenses. Where there are
12 statutory requirements for certain education or counseling programs
13 to be included in the terms of probation, for example, first
14 conviction programs for driving under the influence offenders
15 under Section 23152 of the Vehicle Code or domestic violence
16 offenders under Section 273.5 of the Penal Code, the components
17 of these offense-specific counseling terms shall be incorporated
18 into the treatment programs that are designed to treat the underlying
19 psychological disorders rather than required in lieu of the
20 psychological treatments. This holistic approach ensures that the
21 priority underlying offense is treated and that offense-specific
22 education and counseling aims are met.